



An
Bord
Pleanála

Board Direction
BD-009465-21
ABP-310687-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 19/11/2021.

The Board determined this case as set out below, for the following reasons and considerations.

WHEREAS by order dated 17th day of April 2019, An Bord Pleanála, under appeal reference number ABP-303233-18 granted permission to UHPC International Limited for the

Change of use of building to Primary Healthcare Centre, construction of building, extension of existing building, refurbishment of protected structure building, reconfiguration of car park and erection signage, Island Mills (Protected Structure), Mill Road, Fermoy, Co. Cork.

And **Whereas** Condition 21 attached to that permission required the developer to pay to the planning authority an unspecified financial contribution in respect of public infrastructure and facilities benefitting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended and the condition required that details of the application of the terms of the Scheme were to be agreed between the developer and the planning authority or, in default of agreement, the matter was to be determined by An Bord Pleanála.

And **Whereas** the developer and the planning authority have failed to agree on the amount payable in compliance with the terms of the said scheme and condition and the matter was referred by the developer to An Bord Pleanála on the 28th day of June 2021 for determination:

Now **Therefore**, An Bord Pleanála, in exercise of the powers conferred on it by Section 34 (5) of the Planning and Development Act 2000, as amended, and based on the Reasons and Considerations set out below, hereby determines that the amount payable in accordance with condition number 21 of ABP-303233-18 is €43,534.33.

Reasons and Considerations

The Board noted that the Cork County Council Development Contribution Scheme provides for a 100% reduction for the provision of facilities by organisations, which are considered to be exempt from planning fees as outlined in Part 12 Article 157 of the Planning & Development Regulations 2001. In considering the wording of Article 157, the Board did not consider that the nature of the proposed development as a primary healthcare centre was provided for in Article 157. Furthermore, the Board considered that there were no other applicable exemptions within the Cork County Development Contribution Scheme.

In deciding not to accept the Inspector's recommendation to reduce the contribution to be paid by the developer to €3,918.09, the Board did not consider that the proposed development was provided for in Article 157 and therefore concluded that the proposed development could not avail of the 100% percentage reduction provided for in the Cork County Development Contribution Scheme.

Board Member:

Maria FitzGerald

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Date: 19/11/2021